

09/832,154

P-3724-2-F1-C2

REMARKS

Reconsideration of the present application is respectfully requested. Claims 1 to 6 are currently pending, and no claims have been amended.

The Office Action mailed December 18, 2001 addressed Claims 1 to 6. Claims 1 to 6 were rejected.

Claims 1 to 6 were rejected under the judicially created doctrine of obvious-type double patenting as being unpatentable over claims 1 to 8 of U.S. Patent No. 6,210,293. The Examiner stated that although the conflicting claims are not identical, they are not patentably distinct from each other because the claimed subject matter is very similar. The Examiner stated that the present invention claims a golf ball comprising a core, an inner cover and an outer cover, and the inner cover has a Shore D hardness of 60 or more and is made from a blend of two or more low acid ionomer resins containing no more than 16% by weight of an alpha, beta-unsaturated carboxylic acid, and the outer cover layer has a Shore D hardness of 64 or less and is made from a polyurethane or non-ionomeric thermoplastic and thermosetting elastomers. The Examiner further stated that the '293 patent claims a golf ball with identical layers and features except the optional non-ionomeric thermoplastic and thermosetting elastomer materials for the outer cover layer, however the present invention and the '293 patent both claim a polyurethane outer cover. The Examiner concluded that claiming additional materials for the outer cover layer does not render a patentable distinction, and one skilled in the art would have included optional materials for the outer cover layer to increase manufacturing flexibility.

Although Applicant respectfully disagrees with the Examiner, in an effort to hasten prosecution, Applicant herein submits a Terminal Disclaimer which disclaims the terminal portion of any patent granting from the instant application, as required under MPEP § 1490. Applicant respectfully submits that this overcomes the rejection.

The Examiner is invited to telephone Applicant's attorney if it is deemed that a telephone conversation will hasten prosecution of the application.

09/832,154

P-3724-2-F1-C2

CONCLUSION

Applicant respectfully requests reconsideration and allowance of each of the presently rejected claims, claims 1 to 6. Applicant respectfully requests allowance of claims 1 to 6, the claims currently pending.

Respectfully submitted,

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Date: January 8, 2002

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